

REMARKS

This request for reconsideration is filed in response to the Official Action mailed August 28, 2002, in which claims 1-20 were rejected.

Regarding the rejection of unamended claims 1, 2, 5, 6, 7, 10-12, 15-17 and 20 under 35 USC 102(e) as being anticipated by Choi et al (U.S. 6,405,045), the Examiner points to col. 2, lines 45-55 and col. 5, lines 1-6 as anticipating claims 1, 6, 11 and 16. The Examiner states that Choi et al essentially discloses all of the claimed invention and additionally, Choi discloses a dynamic overload control device and method in a digital mobile communication system, a method for determining in a first network controller that an overload condition exists, signaling a second radio network controller that the overload condition exists, and a proposal to alleviate the overload condition.

However, after careful review of Choi et al, there does not appear to be any proposal or signaling same to alleviate the overload condition in the disclosure at col. 2, lines 45-55 or col. 5, lines 1-6, or any other part of the disclosure of Choi et al.

With regard to claims 1 and 11, although there is the disclosure of signaling a second radio network controller that an overload condition exists, there is no signaling of a proposed action to alleviate the overload condition. For instance, at col. 4, lines 64-67, it is stated that the overload process unit 40 merely informs the operator and adjacent systems that the relevant system is near to overload. Similarly, at col. 5, lines 4-7, the overload process unit 40 merely informs an operator and adjacent systems that the relevant system is near to the overload. This is the same as disclosed in the Background of the Invention section of the present disclosure.

Regarding claims 6 and 16, they claim actually carrying out the proposed action in the second controller in response to signaling received from the first controller. In contrast, at col. 5, lines 26-30 of Choi et al, it is stated that if an adjacent system notifies the overload to overload process unit 40 (see step ST16 of Fig. 3 of Choi et al), the overload process unit 40 does not require the relevant system to allocate a call, but stores the status of a rejected call before notifying the change of a reference point to an operator. Clearly, Choi et al does not anticipate either independent claims 1 and 11, as originally filed, or their dependent claims 6 and 16, as incorrectly stated by the Examiner in the 102(e) rejection of claims 1, 6, 11 and 16.

However, Applicant has amended the independent claims 1 and 11 in order to change the emphasis from solving an overload situation when an overload is detected, to the reporting of load information between radio network controllers with a proposed action. In the current known procedure described in the discussion of related art section on pages 1-3 of the present disclosure, there is a common measurement procedure between two radio network controllers. One radio network controller can request a load measurement report, and the other RNC has to report. The reporting RNC is not necessarily reporting because it feels it is overloaded, but rather it can be reporting because of a request for a load measurement report. The existing scheme that the present applicant improves upon was that the reporting RNC just reported a generic load value on a linear scale. This generic load report did not carry any meaning in a multi-vendor environment where different vendors can interpret the generic load report in different ways. For example, if the requesting RNC receives a value of 6, then how is the receiving RNC to understand it, and what should it do? Is there an overload

condition or not? That is the point the present applicant wishes to improve upon with the added information element that may contain a parameter that provides sensible information to the requesting RNC, such as a proposed action.

The Choi et al reference detects an overload detect value and determines an overload after comparing the overload detect value with an allocated threshold; if the overload is determined, a selection is made between a call allocation operation and a call allocation rejection operation. It does not involve the presently-claimed determination in a first radio network controller that a certain load condition exists in response to a load request signal from a second radio network controller, and it does not relate to signaling the second radio network controller that the certain load condition exists using a measurement report and, in addition, a proposed action using an information element indicative thereof.

Regarding claims 2, 7, 12 and 17, the Examiner points to col. 1, lines 50-60. As explained above in connection with claims 1 and 11, since Choi et al fails to disclose a proposed action, there can be no proposal in col. 1, lines 50-60 to restrict data flow as claimed in claims 2, 7, 12 and 17.

Regarding claims 5, 10, 15 and 20, the Examiner again points to col. 1, lines 50-60. The cited portion of Choi et al does not actually disclose any action to release a radio bearer.

Moreover, even if such were the case, since Choi et al fails to disclose the signaling of a proposed action, there can be no signaling of a proposed action to release a radio bearer as claimed in claims 5, 10, 15 and 20.

Withdrawal of the 35 USC 102(e) rejection of claims 1, 2, 5, 6, 7, 10-12, 15-17 and 20 is requested.

Regarding the obviousness rejection of dependent claims 3, 4, 8, 9, 13, 14, 18 and 19 as being unpatentably obvious over

Choi et al in view of Frodigh et al (U.S. 6,381,458), the Examiner admits that Choi et al fails to specifically disclose interfrequency and intersystem handover.

The Examiner points to Frodigh et al at col. 2, lines 41-45 and col. 7, lines 33-36 for the disclosure of interfrequency and intersystem handover. Although col. 2, lines 41-45 disclose soft handover, col. 7, lines 33-36 do not disclose intersystem handover. Although Frodigh et al disclose soft handover control based on access network capacity, and even if Frodigh et al disclosed intersystem handover, there is no hint or suggestion in Frodigh et al of signaling a second radio network controller that a load condition exists and a proposed action.

Neither the Choi et al nor Frodigh et al references have anything to do with the problem recognized by the inventors hereof, i.e., that present reporting practices only define a generic load value, but not any particular action which the receiver should take in response to the received value. This is a particularly acute problem in an environment in which equipment from multiple vendors have to interoperate. The present invention recognizes a problem of interoperability between controllers and proposes a solution, as claimed. None of this is shown or even suggested by Choi et al and Frodigh et al, either alone or in combination.

Withdrawal of the 35 USC 103 rejection of claims 3, 4, 8, 9, 13, 14, 18 and 19 is requested.

The objections and rejections of the Official Action of August 28, 2002, having been shown to be inapplicable, withdrawal thereof is requested, and passage of claims 1-20 to issue is requested.

Respectfully submitted,



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Version with Markings Showing Changes Made

The claims have been amended as follows:

1. (Amended) Method, comprising the steps of:
determining in a first radio network controller, in response to a load request signal from a second radio network controller, that [an overload] a certain load condition exists,
signaling [the] a second radio network controller that, said [overload] certain load condition exists using a measurement report and, in addition, a proposed action [to alleviate the overload condition] using an information element indicative thereof.
6. (Amended) The method of claim 1, further comprising the steps of:
receiving the signaling from the first controller in the second controller, and
carrying out the proposed action [to alleviate the overload condition].
11. (Amended) Apparatus, comprising:
means for determining in a first radio network controller, in response to a load request signal from a second network controller, that [an overload] a certain load condition exists; and
means for signaling a second radio network controller that said [overload] certain load condition exists using a measurement report and a proposed action [to alleviate the overload condition] using an information element indicative thereof.